

REMARKS

This application contains claims 1-140, the status of which is as follows:

- (a) Claims 40, 52, and 65-70 are as originally filed.
- (b) Claims 96, 111, 115, 120-121, 124, and 126 have been currently amended.
- (c) Claims 1-34, 55, and 71-72 have been canceled without prejudice.
- (d) Claims 35-39, 41-43, 53, 56-60, 63-64, 73, 79-81, 84-85, 87-95, 97-98, 100-102, 108-110, 112-114, 116-119, 122-123, 125, 127, and 133-134 were previously presented.
- (e) Claims 44-51, 54, 61-62, 74-78, 82-83, 86, 96, 99, 103-107, 115, 120, 124, and 128-132 have been withdrawn in response to a restriction requirement, as described below.
- (f) Claims 135-140 are new.

No new matter has been added.

Personal interview

The Applicant thanks Examiner Bockelman for the courtesy of a personal interview with the Applicant's representative, Benjamin M. Fishman (Reg. No. 57,030), held telephonically on November 28, 2007. During the interview, Mr. Fishman requested clarification of the restriction requirement made in an official action dated October 30, 2007. In particular, Mr. Fishman noted that the following conditions appeared to have been omitted from the restriction requirement: an involuntary movement disorder, an eating disorder, swallowing, and tremor. Mr. Fishman indicated the Applicant's need to preserve the right to file divisional applications to prosecute these conditions under the new rules

announced by the USPTO on August 21, 2007. The Examiner indicated that these species were not included in the list of conditions in the restriction requirement because they were considered genres or closely related to other listed species, and that an election of a species included in one of these genres, or a species closely related to one of these non-listed conditions, would also include these conditions, for purposes of replying to the restriction requirement and filing divisional applications if a generic claim is not found allowable.

Mr. Fishman indicated that the Applicant intended to elect epilepsy. The Examiner indicated that upon such an election, the Examiner would include the broader genus claim of an involuntary movement disorder, as well as Parkinson's disease and other claims that fall within this genus.

Election

In response to the restriction requirement, the Applicant hereby elects without traverse the genus of an involuntary movement disorder, which includes Species VII (epilepsy), Species X (Parkinson's disease), and the species of tremor. As mentioned above, during the interview the Examiner suggested that an election of epilepsy would be considered an election of the genus of an involuntary movement disorder, and would thus include the Parkinson's disease and other species included in this genus. The Applicant respectfully submits that tremor is a species of involuntary movement disorder. Claims 40, 52, 53, 84-85, 97-98, 126, and 135-140 read on this genus. The Applicant reserves the right to rejoin the withdrawn claims if one or more generic claims are found to be allowable, or to prosecute the withdrawn claims in one or more divisional applications.

Ehud Cohen, et al.
Serial No.: 10/722,589
Filed: November 25, 2003
Page 24

Claims 96, 115, 120, and 124 have been amended to remove epilepsy, an involuntary movement disorder, and/or tremor from the Markush groups of these non-elected claims, and new claims 135-140 have been added that recite these conditions. Claims 124 and 126 have additionally been amended to move migraine headache from the Markush group of claim 126 to that of claim 124.

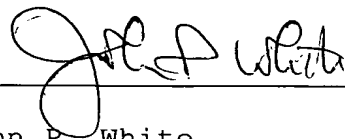
Claims 111, 115, 120, 121, 124, and 126 have been amended to more positively recite the steps of these claims. No new matter has been added.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Ehud Cohen, et al.
Serial No.: 10/722,589
Filed: November 25, 2003
Page 25

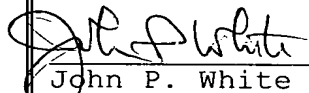
No fee, other than the total enclosed fee of \$420.00, including a \$120.00 fee for a one-month extension of time and a \$300.00 excess claims fee, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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 12/28/07
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